## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

FILED

	_	CLERK, U.S. DETRICT COURT
TRAVIS CO. JOINT VENTURE,	§	WESTERN DISTRICT OF TEXAS
ROGER C. HILL, SR., &	§	DEPUTY CLERK
CHRISTOPHER HILL	§	DEFOIT CLERK
	· §	
Plaintiffs,	§	
	§	
<b>v.</b>	§	CASE NO. 06-CV-146
	§	
HENNESSEE GROUP, L.L.C.,	§	
ELIZABETH LEE HENNESSEE	§	
and CHARLES J. GRADANTE	§	
	§	
Defendants.	§	

# MOTION FOR EXTENSION OF TIME TO FILE PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO STAY CLAIMS PENDING ARBITRATION

#### TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Plaintiffs Travis Co. Joint Venture, Roger C. Hill, Sr. and Christopher Hill, and Defendants Hennessee Group LLC, Charles Gradante and E. Lee Hennessee and file this Motion for an Extension of Time to file Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Stay Claims Pending Arbitration. In support of this Motion, Plaintiffs state as follows:

- 1. Defendants' Motion to Dismiss First Amended Complaint ("Motion to Dismiss") and Defendants' Opposition to Plaintiffs' Motion to Stay Claims Pending Arbitration ("Opposition to Stay") were both served on Plaintiffs by mail on May 15, 2006. Thus, both Plaintiffs' Response to the Motion to Dismiss and Plaintiffs' Reply to Defendants' Opposition to Stay were due May 30, 2006, the Tuesday following Memorial Day.
  - 2. With the long holiday weekend, both of Plaintiffs' attorneys were out of the office on

- Friday, May 26, 2006, and on Memorial Day. Further, both of Plaintiffs' counsel had depositions scheduled for much of last week. All of this has left Plaintiffs' counsel without sufficient time to work on these two responsive briefs. Accordingly, Plaintiffs request that the deadline to file Plaintiffs' Reply to Defendants' Opposition to Stay be extended one day to Wednesday, May 31, 2006.
  - 3. When Plaintiffs' counsel, Kortney M. Kloppe-Orton spoke to Defendants' counsel Matt Wolper last week about a possible extension for both responsive briefings, he indicated that he was not opposed to an extension until June 1, 2006. Though in their last communication Ms. Kloppe-Orton told Mr. Wolper that she did not think Plaintiffs would need an extension and had decided not to seek one, counsel assumes that Mr. Wolper, who indicated he would be out of town this week, still would not oppose the motion. Plaintiffs' counsel has attempted to confer with Bennett Falk, but had not heard back from him by the time this Motion was filed.

WHEREFORE, premises considered, the parties request that the Court grant the Motion for Extension of Time.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent via certified mail, return receipt requested, to the following counsel of record on this the day of May, 2006:

Seagal V. Wheatley Jenkens & Gilchrist, P.C. 113 E. Pecan Street, Suite 900 San Antonio, Texas 78205-1533

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Matthew Wolper Bressler Amery & Ross, P.C. P.O. Box 279807 Miramar, Florida 33027

Kortney M. Kloppe-Orton

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TRAVIS CO. JOINT VENTURE,	§	
ROGER C. HILL, SR., &	§	
CHRISTOPHER HILL	§	
	§	
Plaintiffs,	§	
	§	
vi.	§	<b>CASE NO. 06-CV-146</b>
	§	
HENNESSEE GROUP, L.L.C.,	<b>.</b> §	
ELIZABETH LEE HENNESSEE	§	
and CHARLES J. GRADANTE	§	
	§	
Defendants.	<b>§</b>	

### ORDER GRANTING MOTION FOR EXTENSION OF TIME

On this date came on to be considered the Motion for Extension of Time filed by Plaintiffs Travis Co. Joint Venture, Roger Hill, Sr., and Christopher Hill on May 30, 2006, seeking an extension of Plaintiffs' deadline to file their Reply to Defendants' Opposition to Plaintiffs' Motion to Stay Claims Pending Arbitration. After considering the Motion, the Court is of the opinion that the Motion should hereby be GRANTED.

It is therefor	e ORDERED that Pla	intiffs may file a	Reply to Defendants' Oppo	osition
to Plaintiffs' Motion to Sta	y Claims Pending Ar	bitration on or be	efore May 31, 2006	
SIGNED this	day of		, 2006.	

JUDGE PRESIDING